



# Department of Planning, Housing, & Community Development

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Mayor, Matthew T. Ryan  
Director, Tarik Abdelazim

MAR 13 2013

## Zoning Board of Appeals Official Decision

OFFICE OF THE CITY CLERK  
CITY OF BINGHAMTON

TO: Angela Fagerstrom, City Clerk and Tom Costello, Building Bureau  
DATE: 6 March 2013  
RE: 37 Court Street; Area Variance for Signage  
TAX ID: 160.40-2-16  
PETITIONER: Zac Chastain, Freshy Sites  
CASE #: ZBA 2013-02

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### *Area variance for Maximum Size of an Awning Sign in the C-2, Downtown Business District.*

A public hearing was held on 5 March 2013 at 5:18 p.m., at a regularly scheduled meeting of the Zoning Board of Appeals, as required by Section 410-94(A) of the Zoning Ordinance. The petitioner presented proof of service by certified mail and by publication as required by Section 410-94(B) of the Zoning Ordinance and paid the required filing fee. The petitioner also posted the public notice sign as required.

At this meeting, Zac Chastain presented information on the proposed project. No one spoke in favor or in opposition of the proposed project. No letters were received in favor or in opposition of the proposal. The public hearing was then closed.

After due deliberation, JoAnn Mastronardi made a motion, seconded by Robert Warholic, for the Zoning Board of Appeals to consider the action an Unlisted action and, acting as Lead Agency, make a **Negative Declaration** under SEQ. The Zoning Board of Appeals voted 4-0 on the motion. The following members voted to approve the motion: JoAnn Mastronardi, Robert Warholic, Matthew Stiles, and J. Kelly Donovan. No one voted against the motion. No one was absent.

After due deliberation, JoAnn Mastronardi made a motion, seconded by Robert Warholic, to approve the requested area variance. The Zoning Board of Appeals voted 4-0 on the motion. The following members voted to approve the motion: JoAnn Mastronardi, Robert Warholic, Matthew Stiles, and J. Kelly Donovan. No one voted against the motion. No one was absent.

### Comments/Findings:

1. The Zoning Board of Appeals determined that the requested area variances would not produce an undesirable change in the character of the neighborhood.
2. The Zoning Board of Appeals determined that for the applicant's proposed use there was not a reasonable alternative.
3. The Zoning Board of Appeals determined that the variances requested were not substantial.

4. The Zoning Board of Appeals determined that the requested variances would not have an adverse impact on the physical and environmental conditions in the neighborhood.
5. The Zoning Board of Appeals determined that the alleged difficulty could be considered self-created, but that should not preclude the granting of the requested variances.

**PETITION:** The request for an area variance for Maximum Size of an Awning Sign in the C-2, Downtown Business District was **APPROVED**.

*A transcript of this meeting will be filed with the City of Binghamton Planning Department.*

Petition Number: ZBA 2013-02


Reviewed and Approved:

Date: 3.6.13



Allison Sosa, Assistant Corporation Counsel

Date: 3-13-13



JoAnn Mastronardi, Chairperson Zoning Board of Appeals